

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

Dao Vo,

Plaintiff,

v.

Tom Ridge, Secretary of Department of  
Homeland Security, et al.,

Defendants.

No. C04-2489Z

ORDER

On December 17, 2004, Petitioner filed a Petition for Habeas Corpus, pursuant to 28 U.S.C. § 2241, challenging a March 14, 2003, order removing Petitioner from the United States. Docket no. 1. On January 25, 2005, Respondent brought a motion to dismiss. Docket no. 12. Magistrate Judge Theiler's Report and Recommendation was completed on March 24, 2005, docket no. 21, and Objections were timely filed. Docket no. 22. The Magistrate's Report and Recommendation is currently pending before this Court.

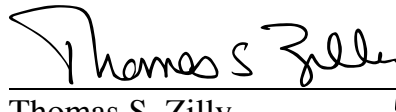
On May 11, 2005, the REAL ID Act of 2005 was signed into law. This Act states that, "[i]f an alien's case, brought under section 2241 of title 28, United States Code, and challenging a final administrative order of removal . . . is pending in a district court on the date of the enactment of this division, then the district court shall transfer the case . . . to the court of appeals for the circuit in which a petition for review could have been properly filed

1 under section 242(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1252).” Pub. L.  
2 No. 109-13, Div. B., § 106(c), 119 Stat. 231, 311 (May 11, 2005).

3 On June 1, 2005, Respondent moved the Court to vacate its stay of removal and  
4 dismiss this action for lack of subject matter jurisdiction, pursuant to the Real ID Act of  
5 2005. Docket no. 27. Petitioner responded and argued that dismissal would be improper,  
6 and that this case should instead be transferred to the Ninth Circuit. Docket no. 30. Because  
7 this case is filed under 28 U.S.C. 2241, is a challenge to a final order of removal, and was  
8 pending at the time the REAL ID Act was enacted, the Court TRANSFERS this action to the  
9 Ninth Circuit Court of Appeals as a “Petition for Review.” The Clerk is directed to transmit  
10 the entire case file to the Ninth Circuit Court of Appeals simultaneous with this Order.

11 IT IS SO ORDERED.

12 DATED this 29th day of July, 2005.

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15 Thomas S. Zilly  
16 United States District Judge  
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